

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LUCAS T. NEILSON,
Plaintiff,

v.

SEAN D. REYES, SIM GILL, BYRON
BURMESTER, and BRADFORD COOLEY,
Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
ACTION**

Case No. 2:16-cv-1144-DB-PMW

District Judge Dee Benson

Chief Magistrate Judge Paul M. Warner

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Paul M. Warner, recommending that: (1) Defendants' motions to dismiss [Dkt. 16, 19] be deemed moot; (2) Plaintiff's motion to amend his complaint [Dkt. 13] be denied; (3) Plaintiff's motion for default judgment [Dkt. 18] be denied; (4) Plaintiff's motion for an extension of time to respond to one of Defendants' motions to dismiss [Dkt. 23] be deemed moot; (5) Plaintiff's motion for service of process [Dkt. 29] be denied; and (6) this action should be dismissed based on Plaintiff's failure to state claims upon which relief can be granted and pursuant to the authority of the *in forma pauperis* statute, 28 U.S.C. 1915(e)(2)(B)(ii).

The parties were notified of their right to file objections to the Report and

Recommendation within fourteen (14) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation.

Accordingly, the Court hereby orders as follows.

1. Defendant's motions to dismiss [Dkt. 16, 19] are deemed moot and are therefore DISMISSED.
2. Plaintiff's motion to amend his complaint [Dkt. 13] is DENIED.
3. Plaintiff's motion for default judgment [Dkt. 18] is DENIED.
4. Plaintiff's motion for an extension of time to respond to one of Defendants' motions to dismiss [Dkt. 23] is deemed moot and is therefore DISMISSED.
5. Plaintiff's motion for service of process [Dkt. 29] is DENIED.
6. This action is DISMISSED based on Plaintiff's failure to state claims upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(ii)

IT IS SO ORDERED.

DATED this 26th day of September, 2017.

A handwritten signature in black ink that reads "Dee Benson". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Dee Benson
United States District Judge